

UNITED STATES OF AMERICA
 NATIONAL TRANSPORTATION SAFETY BOARD
 OFFICE OF ADMINISTRATIVE LAW JUDGES

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Investigation of:

MV ETHAN ALLEN,
 LAKE GEORGE, NEW YORK,
 OCTOBER 2, 2005

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* Docket No.: DCA 06 MM 001

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Interview of: JAMES QUIRK

Fort William Henry Resort
 and Conference Center
 Lake George, NY

Tuesday,
 October 11, 2005

The above-captioned matter convened, pursuant to
 notice, at 11:35 a.m.

BEFORE: MORGAN TURRELL

APPEARANCES:

MORGAN TURRELL
National Transportation Safety Board

SGT. WALTER SCHEDEL
New York State Park Police

MAURICE ALDRICH
Warren County Sheriff's Office

KEVIN HICKEY
O'Connell & Aronowitz

SEAN QUIRK
Shoreline Cruises

JAMES QUIRK
Shoreline Cruises

I N D E X

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I N T E R V I E W

(11:35 a.m.)

MR. TURRELL: Good morning. It's 11:35. It's October 11th. We're in the Fort William Henry Conference Center. My name is Morgan Turrell, NTSB. We're interviewing James Quirk.

To my left.

MR. S. QUIRK: Sean Quirk, Shoreline Cruises.

MR. J. QUIRK: Jim Quirk, Shoreline.

MR. HICKEY: Kevin Hickey, O'Connell and Aronowitz on behalf of Shoreline.

MR. ALDRICH: Investigator Mo Aldrich, Warren County Sheriff's.

SGT. SCHEDEL: Sergeant Walt Schedel, New York State Park Police.

INTERVIEW OF JAMES QUIRK

BY MR. TURRELL:

Q. Okay, Jim, this is our second interview. If you would just kindly again state for the record what your relationship with Shoreline Cruises is and how long you've been with the company and so forth.

A. Okay. I, basically I'm the administrator for the Shoreline Cruises. We've had the company established it in 1979 with the three tour boats that you know of, the de Champlain, the Algonquin and the Ethan Allen. We've put in the

1 Horicon into service in 1988, and, well, again I'm skipping one
2 that I took out of service. In '83 we had the Defiance, and
3 that ran from '83 to 2003, which was taken out of service, that
4 was just last year, 2003. And then the Horicon was built for
5 us in 1988 and placed into service in 1988, and it's still in
6 service. And then the Adirondac was built in 2003, 2004, put
7 into service 2004, the year the Defiance came, came off the
8 lake.

9 Q. Okay. Let me ask some more particular questions. A
10 photograph here of -- this is -- trying to get some sort of
11 dates on this photo when this was, when this would be.

12 A. This is dated very easily.

13 Q. Okay.

14 A. Because of that.

15 Q. All right, that --

16 A. That's the Horicon.

17 Q. -- that's the Horicon?

18 A. Yeah, that's the -- see what they did when they built
19 the boat, they built it just to the second deck there, and then
20 from Albany -- it was built in the port of Albany, and they
21 brought it up the canal, and then they brought it up through
22 the canal system.

23 Q. Okay.

24 A. To, to Lake George, and then they couldn't put the
25 upper decks on because of the bridges and so forth crossing the

1 highway. They had to haul it from Ticonderoga, New York, Lake
2 Champlain, to Ticonderoga, Lake George, and (indiscernible). I
3 believe that's probably when it's just coming down the, the
4 lake the first time every, so that would be 1988.

5 Q. Okay. The vessels in the foreground, can you -- the
6 other photograph I think shows the -- all three vessels.

7 A. Okay. The, the one on, on my right is the Algonquin

8 Q. Okay.

9 A. Behind it, on the left is the Ethan Allen, and I
10 presume the one in front of that is the de Champlain. I can
11 read Ethan Allen.

12 Q. Okay, right. Okay. Now the canopy structure on
13 the -- would be the de Champlain, in the foreground, is
14 comprised of some tubing, and there's a canopy on the Ethan
15 Allen. Can you describe the materials to the best of your
16 knowledge of what this canopy structure, the skeletal structure
17 is made of?

18 A. That's something I'm looking into presently. I
19 thought it was steel, mainly because I had some old canopies,
20 some old stuff left around up at Sean's yard. That's where we
21 used to do our repair work and stuff, but it wasn't it.
22 It's -- I'm not sure if that's galvanized metal or --

23 Q. Okay.

24 A. -- or aluminum. It would have to be, I think, one of
25 those two things.

1 Q. Okay. And the, the material, the actual canopy,
2 canvass or whatever that material is, do you recall what that,
3 the covering is on the Ethan Allen in that picture?

4 A. It's just I believe a standard canvass, colored
5 canvass. We've got blue and white, I believe, on the Ethan
6 Allen and on the de Champlain we had like an orange and yellow
7 color canvass.

8 Q. Okay. And the -- on this photograph here on the
9 upper left, I guess this is the -- new structure for the Ethan
10 Allen?

11 A. Yes, it would be, yes.

12 Q. What -- do you recall what date that was changed or
13 roughly what timeframe between the lower picture and the upper
14 picture when that change was made?

15 A. Not -- not from the picture. That, that's an overlay
16 I guess --

17 Q. That's right.

18 A. -- right?

19 Q. That's right, sir.

20 A. So I would suggest since we have those canvasses on
21 in '88, I think we may have -- we did one a year I think for
22 three years on the changeover.

23 Q. Okay.

24 A. Okay, and that might have been like '98, '90, '91,
25 somewhere in that.

1 Q. Okay. And do you recall who, who made those changes
2 for you, what -- who constructed the canopy?

3 A. The canopy was constructed by Scrano.

4 Q. Okay. Did he remove the prior, prior canopies or did
5 you remove them?

6 A. I believe we removed the prior canopies.

7 Q. Okay. When you received the, the new -- the boats
8 with the new canopy structures, did the boats ride differently?
9 Was there any sort of change in their maneuvering capabilities
10 when you received the boats?

11 A. None that I could detect.

12 Q. Okay. Did the boat ride differently at all? Have a
13 list or down by the head at all in the -- with the new
14 modifications?

15 A. No, not to my knowledge.

16 Q. Did they ride differently in wind for example than
17 the other boat, prior canopy?

18 A. No.

19 Q. Okay. Do you recall when the engine -- I think we
20 asked this before, when the engine was changed on the Ethan
21 Allen?

22 A. Yeah. And again I, I think if I'm consistent, I
23 could be off by five years, I supposed, but I think about five,
24 six years ago I put the, the new engine in.

25 Q. Okay.

1 A. That wasn't new, it was a used engine I put in.

2 Q. Right. And I think your, your wife, Ginny Quirk,
3 mentioned that the accounting and bookkeeping engineering
4 expenses are separated out per boat, is that your
5 understanding?

6 A. That was knowledge to me, but --

7 Q. Okay.

8 A. -- yeah, I -- like she doesn't know what I do, I
9 guess I don't really know totally what she does.

10 Q. Okay. So, okay. Do you -- can you recall this, his
11 water pump this year the water pump failing? Do you recall
12 when that happened this year?

13 A. I'm having difficulty recalling it because I guess
14 I'm involved in just about every one one way or another --

15 Q. Sure.

16 A. -- to a certain point. We had a couple water pumps
17 go, and I -- when I first got the information someone said a
18 water pump failed, you know, looking back, we had a -- one go
19 on our brand new engine, our John Deer, which we replaced, and
20 that was certified maybe mid-season, late July or August, and
21 then we had one go I think it was maybe early June, and that
22 was the pump that went on the Ethan Allen.

23 Q. Okay.

24 A. I'm trying to get some of the invoices together right
25 now so that we could --

1 Q. Sure.

2 A. -- date it and figure out who we ordered it from and
3 so forth.

4 Q. Okay. So you mentioned two things -- a John Deere
5 engine was replaced. What vessel was that on?

6 A. On the Adirondac.

7 Q. And that was a generator? Was that a generator or --

8 A. No, that was one of the main engines.

9 Q. Are there two main engines on there, is that --

10 A. There are, yes.

11 Q. Okay. So that was -- what was the nature of the
12 failure of that? Do you recall?

13 A. Yeah. Because I was on the phone quite a bit with
14 John Deere. The engines are still warranted, and they're
15 concerned because they've never had that particular type of
16 failure. It was the gear itself, the drive gear for the pump
17 was sheared.

18 Q. Okay. Moving to the, the water pump. I think you
19 said you had two water pumps fail, is that -- am I correct?
20 Did you say two water pumps failed?

21 A. Could have had -- in the course of the whole season
22 could have had more, but these are the two that sort of come to
23 mind, the Ethan Allen and the Adirondac.

24 Q. Were they different manufacturers?

25 A. I'm not sure who manufactured -- I -- the water pumps

1 lot of times they're outsourced by the, the engine
2 manufacturers.

3 Q. Sure.

4 A. I believe the Ethan Allen had a, a Sherwood pump on
5 it, and I can't tell you about the Adirondac, whether that was
6 a Sherwood or not.

7 Q. Okay.

8 A. But in any case, John Deere did put it together and
9 take care of that for us.

10 Q. Now on the Ethan Allen, was this -- on the three
11 cruise boats, you had to replace water pumps on that -- on
12 those three boats before this season?

13 A. Well, the engine in the de Champlain was -- this
14 new -- maybe two years ago or three years ago.

15 Q. That was the Isuzu.

16 A. The Isuzu.

17 Q. Okay.

18 A. And we have not replaced -- we've replaced
19 propellers, but no water pump.

20 Q. Okay.

21 A. And the Algonquin, was replaced this year. We, we
22 repowered that with an Isuzu this year, and I don't believe we
23 used it enough to change the propeller yet.

24 Q. Okay. Moving to the Ethan Allen water pump this
25 summer, so do you recall when about the timeframe this was, was

1 fixed, timeframe?

2 A. Yeah, I guess I've been trying to review my paperwork
3 on it. I saw something -- because that just came to light
4 yesterday about a bolt loosened on it or something. So I tried
5 to recall. I think it's like beginning of June, somewhere
6 early June, late May.

7 Q. Okay. Do you recall who repaired it for you?

8 A. Not specifically, but I think if I were to say, it
9 might have been Ted Beaudet who did it. We -- Ted does -- did
10 a lot of that for us.

11 Q. Okay.

12 A. And periodically we had, we had another backup
13 mechanic too who works, does some of the technical work for us
14 and helps us out a great deal, and that's the mechanic that
15 works for Dennis full-time, and then he'll probably maybe do 10
16 percent of his work for us, which would be Alex.

17 Q. Any last name on Alex?

18 A. Oh, boy, Alex -- he's got one of those big names
19 and --

20 Q. And who does Alex work for?

21 A. Dennis is his immediate boss.

22 Q. Is there a company that Dennis --

23 A. (indiscernible) Boat Sales.

24 Q. Dennis Quirk.

25 A. Dennis Quirk.

1 Q. Okay. Okay, so can you give us just your rough
2 understanding of, of who reported, who may have reported the
3 water pump failure? Was it a captain that noticed it or how
4 did it come to light?

5 A. I'm not positive how it came to light, whether it was
6 a captain noticing it due to maybe I don't know, maybe a high
7 temperature on the engines or something. I, I'm not sure.

8 Q. Okay. You recall the nature of what was reported to
9 you, what the problem was, why it needed to be replaced?

10 A. No. I think if I'm correct, I think maybe Matt took
11 a look at it.

12 Q. Okay.

13 A. And, and then they, they may have discussed it with a
14 couple of the others. At that point we had just brought on a
15 new person, who has had Cummins' experience and I'm not sure he
16 may have talked to him about it to see if it's something to be
17 repaired or just replaced. Evidently, it came through as a
18 replacement. We needed to replace it so that's what we did.

19 Q. So you think maybe it was the high engine temperature
20 that caused it so the water wasn't coming out of the exhaust
21 or --

22 A. No. I, I -- water pump would -- if it's not pumping
23 out, it's going to create a high engine temperature.

24 Q. That was probably the complaint you think that --

25 A. I'm guessing. The other possibility, I don't know if

1 you remember, the captains check those pumps, and the way they
2 check them basically for water is they -- once they start those
3 engines they get back out of that boat and look at the stern,
4 and they look at that exhaust pipe.

5 Q. Right.

6 A. To make sure there's a flow, a good flow. Maybe it
7 was reported that way as well.

8 Q. You're not sure if it was (indiscernible) the
9 problem?

10 A. No, I'm not.

11 Q. Can you also go into detail about the bilges? As I
12 understand of course we don't pump water into the lake. You
13 know, if a water pump is broken or it has a problem with it and
14 it's putting water in the bilge, how often do the -- either
15 mechanics or captains pump the bilges from those three boats?
16 Do you have any guess on that?

17 A. The -- okay, you're obviously, you know we don't pump
18 in the lake.

19 Q. Right.

20 A. But the captains inspect. Should they see it, any
21 water in the bilge, that would be related to, to our staff, to
22 the -- these guys are -- they do some mechanical work, they do
23 cleaning work. We have a couple of people there -- just
24 grounds men if you wish in the -- on the boats, and they report
25 it to them, and they would go down and clean it up. The amount

1 of water and how often, I don't know, an incidence -- it's not
2 very often. Maybe, maybe once a month they'll go down and
3 clean up a bilge. I'm talking about one boat.

4 Q. Right.

5 A. (indiscernible). They would go down and clean the
6 bilge. Lot of times when they do it, they have to bring
7 sponges down in addition to a pump to -- because it's just that
8 little bit of water and, you know, if there's any oil on that
9 water, if it's any oil at all, that will flop around and make
10 it awful slick and slippery, so it's tough to, to do the work
11 with captains who do the inspections and stuff. So we keep
12 them clean, and we keep what is called a, you know, diapers or
13 they call them piddies, you know.

14 Q. Absorbent material?

15 A. Yeah, they put those absorbent materials down so it
16 would absorb all that and then take that out and throw that
17 away.

18 Q. Okay.

19 A. And we (indiscernible) keeping them clean. We try to
20 keep the bilges clean. It's a priority.

21 Q. Do you recall if any of the boats this summer had any
22 call to pump the bilges more than usual? Do you recall any
23 problems with someone saying, hey, we need to pump this boat
24 out any more than usual? Any incident this summer that --

25 A. Not that I recall, no.

1 Q. Okay.

2 MR. TURRELL: Walter.

3 BY SGT. SCHEDEL:

4 Q. All right, to that question, as far as one boat more
5 than others, they wouldn't necessarily come to you to request
6 somebody to go clean out the bilge, would they?

7 A. Not necessarily. No.

8 Q. Would it be uncommon for them to come to you first
9 or --

10 A. Well, I don't know. I, I'm sort of a like a hands-on
11 person. I like to watch and see, and obviously I don't have
12 time to be on every place everywhere, but I snoop all the time
13 as best I can.

14 Q. But if a captain noticed that there was water in the
15 bilge, you wouldn't be the necessarily --

16 A. No, not -- not the first point, no.

17 Q. So they would just --

18 A. Go and get one of the --

19 Q. -- get the --

20 A. -- other --

21 Q. -- kids and --

22 A. Yeah. It's not the kids that normally do that. Kids
23 may carry the pail, but one of the other guys who I'd call, you
24 know, a grounds man, a --

25 Q. Uh-huh.

1 A. -- change oil, they'll do a lot of different things.

2 Q. Okay.

3 A. They have limited, I should say limited mechanical
4 experience.

5 Q. Okay. My next question you've probably heard a dozen
6 times already, but your wife mentioned the Monday meetings that
7 you have for contracts. Are any notes taken at any of those
8 meetings?

9 A. Well, we don't take formal notes as such, but
10 everyone is -- key people are involved there, and the
11 information is relayed through me as best as I know it, and we
12 key people that can even update me, the person who say has
13 taken the charters (indiscernible) is really going through all
14 the charter work that we do, and we'll have the chef there, the
15 restaurant manager, all the people that are involved in making
16 sure these functions go smoothly. They will take notes on
17 their, on their charter schedule and so forth, you know. We do
18 quite a few weddings and it's always particular request for
19 wines, beers, special brands, things like that, and that's all
20 noted through there, and these people take over. The same with
21 the food. There may be special request for entertainment or
22 something.

23 Q. Okay, and, and looking particularly at the tours that
24 you have charters for --

25 A. Uh-huh.

1 Q. -- or you know with the tour boats.

2 A. Okay.

3 Q. Is there any particular attention based on the number
4 of people that book on the tours and how you're going to
5 accommodate those numbers of people?

6 A. Yes. It is a concern.

7 Q. And how often -- this is the one that you've heard
8 many times, how often would a cruise go out with more than 40
9 people onboard?

10 A. More than 40, I think the number I've given before is
11 like one out of 20 or something like that. I'm not sure how
12 good a number that is. We're going to -- we're putting
13 together for NTSB a copy of all our contracts, and those are
14 contractual. We may have tour bus company come in. You know
15 some of these buses now are -- I guess they can carry 55, 60
16 people. They're getting humongous. And in those cases we
17 would be splitting loads or doing different things. Actually
18 in some instances, if the Horicon is available, we would take
19 that out.

20 Q. Keep them all in one group?

21 A. Keep it all in one group.

22 Q. So I mean on occasion you do go out with a full load.
23 All the contract would indicate how many passengers that you
24 anticipate carrying?

25 A. Usually it's -- that number that we get there is

1 usually a max number, and then the numbers that actually show
2 are usually less, whether it be a tour boat contract, a wedding
3 contract or whatever. Because we ask them for the max so we
4 can make sure we're prepared.

5 Q. Uh-huh. But in, in your experience, generally
6 there's fewer people than what the contract originally booked
7 at?

8 A. Generally.

9 Q. Generally. Okay.

10 BY MR. TURRELL:

11 Q. Do you, Jim, do you recall any difficult with that
12 particular water pump installation this summer? Did anyone say
13 they had any trouble putting it in?

14 A. No, none at all.

15 Q. Another question I have is also getting back to
16 Captain Paris. Have you had any problems at all with Captain
17 Paris since he's been an employee of yours?

18 A. No, I have not.

19 Q. Have you had any problems with any of your captains
20 in general with any other issues with their performance?

21 A. No. I, I am just so fortunate to have a
22 (indiscernible) crew of people working for me.

23 Q. (indiscernible) talked to you before about
24 discipline. Have you ever had any unfortunate occasion to fire
25 a captain in your time you operated Shoreline Cruises?

1 A. I had disagreements, but not such that I had to fire
2 anybody.

3 Q. Okay. And your -- we're going to be interviewing
4 Lake George Commission. Can you describe your operation's
5 relationship to Lake George Commission, what the nature of the
6 relationship is and --

7 A. The Lake George Park Commission is, is sort of a body
8 that's concerned about the safety of the lake obviously.
9 They're mostly concerned as I see it about water safety. They
10 do not do boat inspections. They -- that's all left to parks
11 and rec. And they, they just get into the administration of
12 the law pertaining to Lake George.

13 Lake George has -- is unique in the sense that I
14 guess if you bought a boat registration in the United States,
15 you can go to most any lake with that boat registration with
16 the exception of Lake George. You need to have a Park
17 Commission permit in addition to your registration to get on
18 this lake. They have patrols and they also -- license -- have
19 licensing for boats.

20 In other words I needed permits when I put the
21 Adirondac on, I believe I started the permit process with that
22 boat. I think my initial contact with them was 1995.

23 Q. Okay.

24 A. And you can see this is a long process. I finally
25 received my permit in 2003, and it was a lot of hearings I had

1 to go through, a lot of procedures we went through, and in so
2 doing, they required of me to -- they'd only allow me to have
3 five tour boats, and so the deal was there if I were to get --
4 if they were to give me the permit for the Adirondac, I would
5 have to comply with taking the Defiance --

6 Q. Right.

7 A. -- off the lake, which, which I did, and basically I
8 complied to all of their requirements. There's, there's a
9 number of things, a lot of them duplicated. You know
10 (indiscernible).

11 Q. Right.

12 A. So, you know, we essentially did comply and were
13 fortunate enough to have the Adirondac, which again all
14 inspections, all safety on that boat is conducted by parks and
15 recreation.

16 Q. Okay. Does Lake George Commission field complaints
17 from, from the general public about boats on the Lake to your
18 knowledge?

19 A. Yes. They do.

20 Q. Do you -- have they ever come to you and said that
21 one of your operations, either the parasail, the rental boats
22 or your shoreline cruises, have they ever expressed a complaint
23 on -- about your boats?

24 A. Let's see, Shoreline Cruises -- I don't -- we have
25 ever had a complaint on any issue.

1 Q. Okay. Any other of the -- do you drive the rental
2 boats?

3 A. I'm trying to think. I -- not to my knowledge. Of
4 course the rental boats, the u-drive boats in some ways I
5 suspect because of the lack of understanding or lack of boating
6 experience with some of the rentals, they may have created
7 problems frustrating the Park Commission staff maybe.

8 Q. And so there may have been some complaints from the
9 u-drive rental operation?

10 A. I, I'm not aware of any, but there may --

11 Q. Okay.

12 A. -- have been.

13 Q. Okay. And also the parasail operation, any
14 complaints presented to you about the parasail operation?

15 A. No.

16 Q. Okay.

17 A. No. We've been -- parasail since '83, and --

18 Q. Okay. Now if you had a problem with other boaters on
19 the lake, would you present a complaint to them about
20 operations on the lake, about other boat operators or other
21 safety complaints?

22 A. In general, if we have someone out there messing,
23 messing with our boats, cutting them offshore, something like
24 that, the captains have and would turn them in. They would
25 call the, the Park Commission and, and try to describe, tell

1 them who, who is out there playing around.

2 Q. Okay. So those, those complaints would go directly
3 from one of your employees to the Park Commission, but you as
4 an organization wouldn't necessarily present that complaint, is
5 that correct?

6 A. That's correct.

7 Q. Okay. To your knowledge, have you ever addressed the
8 Park Commission about any particular complaints regarding other
9 boaters on the lake?

10 A. No.

11 Q. All right.

12 MR. TURRELL: Walter, any other --

13 SGT. SCHEDEL: No.

14 MR. TURRELL: Sean.

15 Okay, Jim, if you would just acknowledge you've been
16 recorded, and we'll -- is there anything else --

17 MR. J. QUIRK: Yes.

18 MR. TURRELL: -- you'd like to add to the record so
19 far that you'd like to add while we're here?

20 MR. J. QUIRK: Okay. I guess the only thing I'd like
21 to add is again being privy to the prior two interviews today
22 in which my wife -- she said anything about that, but I guess
23 I'd be remiss if I didn't mention the thorn in our side has
24 been for a number of years the wake from the Mohican.

25 BY MR. TURRELL:

1 Q. And you've been on the lake a long time. Can you
2 perhaps just give us some more detail of this complaint? We've
3 heard it before. I just want to --

4 A. Uh-huh.

5 Q. -- make sure I have your full comments on this.

6 A. It appears it has been heightened a little bit this
7 year, but we've always had problems every time that particular
8 boat, not the Minne, not the Lac du Saint Sacrement, but the
9 Mohican, when that came in, our boats would rock for 5, 10, 10
10 minutes back and forth slamming our docks because of the wake,
11 and that thing would just last and go back and forth. Captains
12 wouldn't board when that thing was coming through, and that was
13 just coming into the dock. So we've constantly had this kind
14 of problem until -- well --

15 Q. Have you -- has your operation sustained damages that
16 needed to be repaired as a result of the wake?

17 A. Well, I'm sure part of our -- you know when we have
18 rub rail problems, things like that, I think some of that can
19 be attributed to, to that wake. Not all of it, but some of it.

20 MR. TURRELL: Okay. I have nothing further. If you
21 would just acknowledge this is recorded, and we'll end the
22 interview.

23 MR. J. QUIRK: Okay, this is -- yeah, I acknowledge
24 it.

25 MR. TURRELL: Thanks.

1 (Whereupon, the interview in the above-entitled
2 matter was concluded.)

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CERTIFICATE

This is to certify that the attached proceeding before the

NATIONAL TRANSPORTATION SAFETY BOARD

IN THE MATTER OF: Investigation of MV Ethan Allen
 Lake George, New York
 October 2, 2005
 Interview of James Quirk

DOCKET NUMBER: DCA 06 MM 001

PLACE: Lake George, New York

DATE: October 11, 2005

was held according to the record, and that this is the
original, complete, true and accurate transcript which has been
compared to the recording accomplished at the hearing.

Katherine Motley
Transcriber